

EXHIBIT A

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **AMENDED MASTER SHORT FORM**
8 **COMPLAINT FOR DAMAGES FOR**
9 **INDIVIDUAL CLAIMS**

10 Plaintiff(s) named below, for their Complaint against Defendants named below,
11 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

12 Plaintiff(s) further show the Court as follows:

13 1. Plaintiff/Deceased Party:

14 Kenneth Matthews

15 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
16 consortium claim:

17 April Matthews

18 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
19 conservator):

20 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
21 the time of implant:

22 Illinois

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

North Carolina

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

North Carolina

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Middle District of North Carolina

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

Multidistrict Litigation

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☒ Meridian[®] Vena Cava Filter

☒ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

8/3/2013

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable North Carolina (insert state)
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☐ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

1 RESPECTFULLY SUBMITTED this 5th day of August, 2016.

2 **BERN RIPKA LLP**

3 By: /s/ Rick Barreca
Rick Barreca
60 E. 42nd Street, Suite 950
New York, NY 10165
4 *Attorney for Plaintiff*
5
6
7
8
9
10
11

12 I hereby certify that on this 5th day of August, 2016, I electronically
13 transmitted the attached document to the Clerk's Office using the CM/ECF System
14 for filing and transmittal of a Notice of Electronic Filing.

15 /s/ Rick Barreca
16

17 5131774
18
19
20
21
22